



SMG Reg Watch

November 2015 / Scott R. Smith and Kori J. Andrews

Reg Watch is a periodic summary of regulations that we are currently tracking. The regulations we watch address energy, environmental, health, safety, educational issues relating to sustainability and public utilities.

This is not an all-encompassing list of all regulations being considered at the state or federal level. Contact me if you want to add additional issues, need copies of the proposed or final regulations or have questions about these or other regulations you've heard about.

DO YOU KNOW SOMEONE WHO WANTS TO RECEIVE THESE UPDATES?

Contact us at scottr.smith@smithmanage.com.

QUESTIONS, COMMENTS, ADDITIONAL INFORMATION

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Scott's Thoughts

SMG provides brief blog updates several times each week. Blogs are written by SMG employees, and can be found on our website. SMG Blog Entries of Note for this month are hyperlinked below:

- [Proposed Cross-State Air Pollution Update Rule](#)
- [National Steam Electric Power Effluent Guidelines Finalized](#)
- [Update on Proposed Changes to RCRA](#)

State Review

The Kentucky Energy and Environment Cabinet will conduct a [public hearing](#) on Dec. 10, 2015, at 10 a.m. (EST) in the conference room of the Division for Air Quality, 200 Fair Oaks Lane, 1st Floor, Frankfort, KY. This hearing is being held to receive comments on a proposed [State Implementation Plan \(SIP\)](#) revision to address Clean Air Act (CAA) Section 110. Requirements.

The Kentucky Energy and Environment Cabinet will conduct a [public hearing](#) on Dec. 7, 2015, at 1 p.m. (EST) in the conference room of the Division for Air Quality, 200 Fair Oaks Lane, 1st Floor, Frankfort, KY. This hearing is being held to receive comments on establishing the appropriate Title V air emissions fee necessary to cover all reasonable costs of administering the permit program.

The following has been proposed by the **Kentucky Division of Waste Management**:
[401 KAR 174: Stage II Controls at Gasoline Dispensing Facilities](#)

Federal Regulation Review

EPA, [Proposed Information Collection Request; Comment Request; Tips and Complaints Regarding Environmental Violations \(Renewal\)](#)

Notice: The Environmental Protection Agency is planning to submit an information collection request (ICR), "Tips and Complaints Regarding Environmental Violations (Renewal)" (EPA ICR No. 2219.05, OMB Control No. 2020-0032) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed

information collection as described below. This is a proposed extension of the ICR, which is currently approved through 04/30/2016. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before January 4, 2016.

EPA, [National Wetland Condition Assessment 2011 Draft Report](#)

Notice. This notice announces the availability of EPA's draft report on the National Wetland Condition Assessment (NWCA 2011) and opens a 30-day public review and comment period on the draft report. The NWCA 2011 is the first national assessment of the ecological condition of the nation's wetlands. The NWCA 2011 draft report describes the results of a nationwide probabilistic survey of wetlands conducted in the spring and summer of 2011 by EPA and its state and tribal partners. Results are based on ecological data collected at over 1,000 sites using standardized protocols and include estimates of wetland area in "good," "fair," and "poor" condition, nationally and by ecoregion, for a biological indicator based on plants and key wetland stressors. The report also provides information on the design and implementation of the scientific assessment, possible implications, and future actions. This report completes the first series of probability-based surveys conducted under EPA's National Aquatic Resource Surveys program.

DATES: Comments must be received on or before December 7, 2015.

EPA, [Protection of Stratospheric Ozone: Update to the Refrigerant Management Requirements Under the Clean Air Act](#)

Proposed rule. The Clean Air Act prohibits the knowing release of ozone-depleting and substitute refrigerants during the course of

maintaining, servicing, repairing, or disposing of appliances or industrial process refrigeration. The existing regulations require that persons servicing or disposing of air conditioning and refrigeration equipment observe certain service practices that reduce emissions of ozone-depleting refrigerant. This proposed rule would update those existing requirements as well as extend them, as appropriate, to non-ozone depleting substitute refrigerants, such as hydrofluorocarbons. The proposed updates include strengthening leak repair requirements, establishing recordkeeping requirements for the disposal of appliances containing five to 50 pounds of refrigerant, changes to the technician certification program, and changes for improved readability, compliance, and restructuring of the requirements. As a result, this action would reduce emissions of ozone depleting substances and gases with high global warming potentials.

DATES: Comments must be received on or before January 8, 2016.

EPA, [Release of Draft Integrated Review Plan for the Secondary National Ambient Air Quality Standard for Oxides of Nitrogen and Oxides of Sulfur](#)

Notice of availability and public comment period. The Environmental Protection Agency (EPA) is announcing the availability, for public review, the draft document titled Draft Integrated Review Plan for the Secondary National Ambient Air Quality Standard for Oxides of Nitrogen and Oxides of Sulfur (draft IRP). This document contains the plans for the review of the air quality criteria for oxides of nitrogen and oxides of sulfur and the secondary national ambient air quality standards (NAAQS) for oxides of nitrogen and oxides of sulfur (NOX/SOX). The secondary NOX/ SOX NAAQS provide for the protection of public welfare from exposure to NOX and SOX in ambient air.

DATES: The draft IRP was made available on October 30, 2015. Comments must be received on or before December 30, 2015.

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EPA, [Allocations of Cross-State Air Pollution Rule Allowances From New Unit Set-Asides for the 2015 Compliance Year](#)

Final rule; notice of data availability (NODA).

The Environmental Protection Agency (EPA) is providing notice of emission allowance allocations to certain units under the new unit setaside (NUSA) provisions of the Cross-State Air Pollution Rule (CSAPR) federal implementation plans (FIPs). EPA has completed final calculations for the second round of NUSA allowance allocations for the 2015 compliance year of the CSAPR NOX Ozone Season Trading Program. EPA has posted spreadsheets showing the second-round 2015 NUSA allocations of CSAPR NOX Ozone Season allowances to new units as well as the allocations to existing units of the remaining CSAPR NOX Ozone Season allowances not allocated to new units in either round of the 2015 NUSA allocation process. EPA will record the allocated CSAPR NOX Ozone Season allowances in sources' Allowance Management System (AMS) accounts by November 16, 2015.1

DATES: November 12, 2015.

EPA, [Revision to the Research, Development and Demonstration Permits Rule for Municipal Solid Waste Landfills](#)

Proposed rule. The Environmental Protection Agency (EPA) is proposing to revise the maximum permit term for Municipal Solid Waste Landfill (MSWLF) units operating under Research, Development and Demonstration (RD&D) permits. The RD&D permit program, which began in 2004, allows landfill facilities to utilize innovative and new methods that vary from the prescribed run-on control systems, liquids restrictions, and final cover criteria if these systems are determined by the Director of states with EPA-approved RD&D programs, as defined in 40 CFR 258.2, to meet the criteria in 40 CFR 258.4. The current rule limits permits for these units to 3 years each, renewable 3 times for a total permit term of 12 years. If finalized,

this rule will allow the Director of an approved State to increase the number of permit renewals to 6, for a total permit term of up to 21 years. The EPA is not proposing any other changes to the existing MSWLF RD&D permit program at this time.

DATES: Comments on this proposed rule must be received on or before December 14, 2015.

EPA, [National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters](#)

Final rule; notice of final action on reconsideration.

This action sets forth the Environmental Protection Agency's (EPA's) final decision on the issues for which it granted reconsideration on January 21, 2015, that pertain to certain aspects of the January 31, 2013, final amendments to the "National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters" (Boiler MACT). The EPA is retaining a minimum carbon monoxide (CO) limit of 130 parts per million (ppm) and the particulate matter (PM) continuous parameter monitoring system (CPMS) requirements, consistent with the January 2013 final rule. The EPA is making minor changes to the proposed definitions of startup and shutdown and work practices during these periods, based on public comments received. Among other things, this final action addresses a number of technical corrections and clarifications of the rule. These corrections will clarify and improve the implementation of the January 2013 final Boiler MACT, but do not have any effect on the environmental, energy, or economic impacts associated with the proposed action. This action also includes our final decision to deny the requests for reconsideration with respect to all issues raised in the petitions for reconsideration of the final Boiler MACT for which we did not grant reconsideration.

DATES: This rule is effective November 20, 2015.

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EPA, [Oil and Natural Gas Sector: National Emission Standards for Hazardous Air Pollutants](#)

Request for Information. This action requests information related to hazardous air pollutant (HAP) emissions from sources in the oil and natural gas production and natural gas transmission and storage segments of the oil and natural gas sector. In 2012, the Environmental Protection Agency (EPA) revised the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Oil and Natural Gas Production Facilities and the Natural Gas Transmission and Storage Facilities major source categories. This action requests additional data and information that was not available at that time. In particular, we are requesting data on storage vessels without potential flash emissions (PFE) and data on HAP emissions from regulated small glycol dehydrators. With regard to the small glycol dehydrators we are particularly interested in data regarding any emissions of HAP other than benzene, toluene, ethylbenzene, and xylene (BTEX), information on available control options for any such HAP and information regarding a potential compliance demonstration issue with respect to the 2012 standards for small glycol dehydration units, as they apply to units with very low emissions.

DATES: Comments must be received on or before January 26, 2016.

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